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Attorneys for Defendant
MAYTAG CORPORATION, erroneously sued herein as
WHIRLPOOL CORPORATION, d/b/a MAYTAG

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA STATE AUTOMOBILE
ASSOCIATION, INTER-INSURANCE
BUREAU,

Plaintiff,

vs.

WHIRLPOOL CORPORATION, d/b/a/
MAYTAG and DOES 1 through 50, inclusive,

Defendant.

No.

NOTICE OF REMOVAL

WDB

(Alameda Superior Court No.: RG 08 373190)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Defendant MAYTAG CORPORATION hereby files this Notice of Removal of the above-entitled action to the United States District Court for the Northern District of California, from the Superior Court of the State of California, for the County of Alameda, where the action is now pending as provided for by Title 28, U.S. Code, Chapter 89, and states:

1. This action is a civil action for negligence, product liability, and breach of warranty, and the United States District Court for the Northern District of California has jurisdiction by reason of the diversity of citizenship of the parties;

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1 2. At all times relevant to this Notice and on February 26, 2008 when the action was
2 commenced in the Superior Court of the State of California, Defendant Maytag Corporation was,
3 and now is, a corporation organized, formed and incorporated in and under the
4 laws of the State of Delaware, having its principal place of business in the State of Iowa.

5 3. As alleged in the Complaint, at all times relevant to this Notice, and on February 26,
6 2008, when the action was commenced in the Superior Court of the State of California, Plaintiff
7 California State Automobile Association, Inter-Insurance Bureau ("CSAA") was a corporation
8 organized, formed and incorporated in and under the laws of the State of California, having its
9 principal place of business in the State of California.

10 4. There are no named parties in this matter other than Plaintiff CSAA and Defendants
11 Maytag Corporation, and DOES 1-50, inclusive. Although CSAA has erroneously sued Maytag as
12 "Whirlpool Corporation, d/b/a Maytag," Whirlpool Corporation and Maytag are separate entities and
13 Maytag is informed and believes and, based on such information and belief, alleges that Maytag was
14 the manufacturer of the product in question. However, there is complete diversity in any event, as
15 Whirlpool Corporation is incorporated under the laws of the State of Delaware, and has its principal
16 place of business in the State of Michigan. The citizenship of the fictitiously named defendants is
17 irrelevant for removal purposes. See 28 U.S.C. § 1441 (a).

18 5. As more fully described below, this Court has jurisdiction over this action, pursuant
19 to 28 U.S.C. § 1332, because it is a civil action in which the amount in controversy exceeds the sum
20 of \$75,000, exclusive of costs and interest, and complete diversity of citizenship exists between the
21 properly joined parties. Specifically, the Complaint alleges that Plaintiff has sustained damages in
22 the sum of \$200,000, exclusive of prejudgment interest.

23 6. Maytag first received notice of this matter on March 3, 2008, when it was served with
24 process.

25 7. A copy of all process, pleadings and orders served upon Defendant is filed with this
26 notice.

27 8. Defendant will give written notice of the filing of this notice as required by
28 28 U.S.C. § 1446(d).

1 9. A copy of this notice will be filed with the Clerk of the Superior Court, In and For the
2 County of Alameda, as required by 28 U.S.C. § 1446(d).

3 WHEREFORE, Defendant requests that this action proceed in this Court as an
4 action properly removed to it.

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6 Dated: March 26, 2008

ADAMS | NYE | TRAPANI | BECHT LLP

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8 By: _____

9 BRUCE NYE
10 Attorneys For Defendant
11 MAYTAG CORPORATION
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CERTIFICATE OF SERVICE

I, **MARY KATHRYN EARLE**, am over the age of eighteen years, not a party to the above-captioned matter, and employed by **Adams | Nye | Trapani | Becht LLP**, located at 222 Kearny Street, Seventh Floor, San Francisco, California 94108-4521, where the service described below took place on the date set forth below.

Person(s) Served:

Counsel For Plaintiffs:

**Robert E. Wall, Esq.
Laura Uddenberg, Esq.
Grunsky, Ebey, Farrar & Howell, PLC
240 Westgate Drive
Watsonville, California 95076
Telephone: (831) 722-2444
Facsimile: (831) 722-6153**

Document(s) Served:

NOTICE OF REMOVAL

Manner of Service:

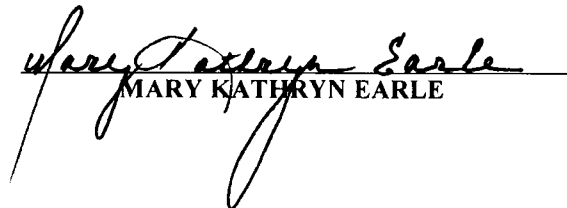
☒ **Mail:** I am readily familiar with my employer's practice for the collection and processing of correspondence for mailing with the United States Postal Service: such correspondence is deposited with the United States Postal Service on the same day in the ordinary course of business in the county where I work. On the date set forth below, at my place of business, following ordinary business practices, I placed for collection and mailing by deposit in the United States Postal Service a copy of each Document Served, enclosed in a sealed envelope, with the postage thereon fully prepaid, each envelope being addressed to one of the Person(s) Served, in accordance with Code of Civil Procedure 1013(a).

☐ **Facsimile:** I transmitted by facsimile a copy of each Document Served mentioned above to each Person Served mentioned above pursuant to Code of Civil Procedure 1013(e).

☐ **Personal service:** I caused a copy of each Document Served to be hand delivered to each Person Served pursuant to Code of Civil Procedure 1011. If required, the actual server's original proof of personal service will be filed with the court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: March 26, 2008


MARY KATHRYN EARLE